

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CASE NO. 11-CR-512 (DRD)

UNITED STATES OF AMERICA,
Plaintiff,

vs.

FRANK PEAKE,
Defendant.

**PEAKE'S UNOPPOSED MOTION FOR ADDITIONAL TIME TO FILE A REPLY
IN SUPPORT OF HIS MOTION FOR NEW TRIAL
BASED ON NEWLY DISCOVERED EVIDENCE**

Frank Peake, through counsel, files this unopposed motion for a 30-day extension of time to file a reply in support of his Motion For New Trial, and states as follows:

1. On April 18, 2014, Frank Peake filed a Motion for New Trial Based on Newly Discovered Evidence and Requesting an Evidentiary Hearing. DE 246.
2. The Government filed its Response in Opposition on May 5. DE 253.
3. Undersigned counsel is requesting a 30-day extension to file a Reply to the Government's Response since undersigned counsel is currently out of the country and will not be returning until May 13. Undersigned counsel is then scheduled to fly to Atlanta on May 15, for oral argument in the matter of *United States v. Andrew Mackey*, case no. 12-15897-FF, on May 16.
4. Undersigned counsel is also preparing for trial in *United States v. Randy Jackson*, case no. 13-Cr-20770-Zloch, which is scheduled to start in late May.
5. Counsel for the Government, Craig Lee, does not object to this motion.

Wherefore Frank Peake respectfully requests an extension to file a Reply until June 6, 2014.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was e-filed this 7th day of May 2014, and served on all appropriate parties through that system.

/s/ David Oscar Markus
David Oscar Markus